

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

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COMPLETE TITLE OF CASE:

STATE OF MISSOURI,

Respondent

v.

BRADLEY ISE.

Appellant

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DOCKET NUMBER WD76497

DATE: FEBRUARY 10, 2015

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Appeal From:

Circuit Court of Platte County, MO  
The Honorable Abe Shafer IV, Judge

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Appellate Judges:

Division One  
Thomas H. Newton, P.J., Lisa White Hardwick, Anthony Rex Gabbert, JJ.

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Attorneys:

Jennifer Rodewald, Jefferson City, MO,

Counsel for Respondent

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Attorneys:

James Wyrsh, Kansas City, MO

Counsel for Appellant

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**MISSOURI APPELLATE COURT OPINION SUMMARY  
MISSOURI COURT OF APPEALS, WESTERN DISTRICT**

**STATE OF MISSOURI,**

**Respondent,**

**v.**

**BRADLEY ISE,**

**Appellant.**

**WD76497**

**Platte County**

Before Division One Judges: Thomas H. Newton, P.J., Lisa White Hardwick, Anthony Rex Gabbert, JJ.

Bradley Ise appeals from a judgment entered upon a jury verdict convicting him of two counts of first-degree property damage, one count of second-degree assault, one count of leaving the scene of a motor vehicle accident, and one count of driving while revoked. Ise contends that the circuit court erred by: (1) overruling his motion for judgment of acquittal because the evidence adduced at trial was legally insufficient to prove guilt beyond a reasonable doubt of any charged offense; (2) denying his motion to dismiss because the State suppressed, to his prejudice, the recording of a 911 call to the Missouri State Highway Patrol placed by the State's witness Kenny Searcy; (3) denying his motion in limine and admitting in evidence the recordings of telephone calls to the Platte County Dispatcher; (4) overruling his objection to the photographic lineup procedure used in this case and the identification of him at trial by Jordan Infranca; (5) failing to instruct the jury on the issue of eyewitness identification; (6) admitting into evidence, to his prejudice, the prior testimony of Sergeant Kelley given at a probation revocation proceeding in the State of Kansas; (7) improperly bolstering the credibility of the State's witness, Jordan Infranca; (8) failing to instruct under Count II on the lesser offense of property damage in the second degree and to instruct under Count III on the lesser included offense of assault in the third degree; (9) failing to instruct the jury with regard to the definitions of "knowingly," "purposely," and "physical injury," and; (10) sentencing him to consecutive sentences totaling 20 years imprisonment.

**AFFIRMED**

**Division One holds:**

- (1) The circuit court did not err by overruling Ise's motion for judgment of acquittal because the evidence adduced at trial was sufficient to support each of Ise's convictions beyond a reasonable doubt.
- (2) The circuit court did not abuse its discretion by denying Ise's motion to dismiss based on a 911 call that Ise contends was suppressed by the State. Ise fails to show that the 911 call was materially exculpatory or even potentially useful evidence for Ise's

defense or that it was destroyed in bad faith, and Ise had the opportunity to cross examine the 911 caller during deposition testimony.

- (3) The circuit court did not abuse its discretion by denying Ise's motion in limine and admitting in evidence the recordings of telephone calls to the Platte County Dispatcher (State's Exhibit 1) because the 911 calls meet the present sense impression exception to the hearsay rule and their admission did not violate Ise's confrontation clause rights.
- (4) By failing to properly preserve his claims, Ise waived his claims regarding the photographic line-up procedure used with witness Infranca and Infranca's in-court identification of Ise.

Opinion by Anthony Rex Gabbert, Judge

Date:2/10/15

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**THIS SUMMARY IS UNOFFICIAL AND SHOULD NOT BE QUOTED OR CITED.**